

86<sup>th</sup> Legislative Session – 2011

Committee: House Judiciary

Monday, February 28, 2011

P - Present  
E - Excused  
A - Absent

Roll Call

P Abdallah  
P Boomgarden  
P Feinstein  
P Gibson  
E Hansen (Jon)  
P Killer  
P Kopp  
P Nelson (Stace)  
P Russell  
P Tornow  
P Turbiville  
P Gosch, Vice-Chair  
P Hunt, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Vice Chair Gosch.

MOTION: CORRECT THE MINUTES OF FEBRUARY 25, 2011, AS FOLLOWS: ON PAGE 2 OF THE HOUSE JUDICIARY COMMITTEE MINUTES OF FEBRUARY 25, 2011, LINE 17, DELETE “WITH” AND INSERT “WITHOUT”. ALSO, ON PAGE 2, LINE 18, DELETE “WITH” AND INSERT “WITHOUT”.

Moved by: Tornow  
Second by: Russell  
Action: Prevailed by voice vote.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 25, 2011, AS CORRECTED

Moved by: Turbiville  
Second by: Kopp  
Action: Prevailed by voice vote.

SB 33: revise certain provisions regarding the 24/7 sobriety program, to authorize the collection of certain fees, and to authorize the use of ignition interlock devices.

Presented by: Marty Jackley, Attorney General  
Proponents: Senator Stanford Adelstein  
Lila Doud, MADD (handouts 1-3)  
Connie S. Freidel, self, Rapid City

MOTION: DO PASS SB 33

Moved by: Abdallah  
Second by: Nelson (Stace)  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 33

33rb

On page 1, line 14, of the Senate engrossed bill, delete "or" and insert "and".

Moved by: Russell  
Second by: Gibson  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 33 AS AMENDED

Moved by: Russell  
Second by: Gibson  
Action: Prevailed by roll call vote. (10-1-2-0)

Voting Yes: Abdallah, Feinstein, Gibson, Killer, Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch

Voting No: Boomgarden

Excused: Hansen (Jon), Hunt

Vice Chair Gosch turned the gavel over to Representative Turbiville.

SB 114: provide that parties to a divorce or separate maintenance action be restrained from making changes to insurance coverage.

Presented by: Representative Mike Verchio

MOTION: DO PASS SB 114

Moved by: Russell  
Second by: Gibson  
Action: Prevailed by roll call vote. (9-0-4-0)

Voting Yes: Boomgarden, Feinstein, Gibson, Killer, Kopp, Nelson (Stace), Russell, Tornow, Turbiville

Excused: Abdallah, Hansen (Jon), Gosch, Hunt

The gavel was returned to Vice Chair Gosch.

SB 141: grant limited immunity from arrest and prosecution for certain alcohol consumption related offenses to persons who assist certain persons in need of emergency assistance or who are themselves in need of emergency assistance.

Presented by: Representative Peggy Gibson  
Proponents: Senator Larry Tidemann  
Eric Haiar, SDSU Students' Association  
Brett Monson, SDSU Students' Association  
Emmett Reistroffer, self, Sioux Falls (handout 4)  
Jameson Berreth, self, Brookings  
Mark York, self, Brookings  
Opponents: Chuck Schroyer, SD States Attorneys Association  
Kelly Marnette, Hughes County States Attorney  
Yvonne Taylor, SD Police Chiefs Assoc.  
Staci Eggert, SD Sheriff's Association  
Nancy Kueter, self, Rapid City (handouts 5 - 9)  
Andy Howe, self, Vermillion  
Chad Passick, self, Vermillion

MOTION: TO TABLE SB 141

Moved by: Tornow  
Second by: Nelson (Stace)  
Action: Failed by roll call vote. (6-5-2-0)

Voting Yes: Abdallah, Kopp, Nelson (Stace), Tornow, Turbiville, Gosch

Voting No: Boomgarden, Feinstein, Gibson, Killer, Russell

Excused: Hansen (Jon), Hunt

MOTION: AMEND SB 141

141rd

On page 2 of the Senate Judiciary Committee engrossed bill, delete lines 2 to 8, inclusive.

Moved by: Boomgarden  
Second by: Nelson (Stace)  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 141 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Nelson (Stace)  
Second by: Tornow  
Action: Failed by roll call vote. (6-5-2-0)

Voting Yes: Abdallah, Kopp, Nelson (Stace), Tornow, Turbiville, Gosch

Voting No: Boomgarden, Feinstein, Gibson, Killer, Russell

Excused: Hansen (Jon), Hunt

MOTION: AMEND SB 141

141rd

On page 2 of the Senate Judiciary Committee engrossed bill, delete lines 2 to 8, inclusive.

Moved by: Boomgarden  
Second by: Nelson (Stace)  
Action: Prevailed by voice vote.

THE CHAIR DEFERRED FINAL ACTION ON SB 141 UNTIL WEDNESDAY,  
MARCH 2, 2011

SB 31: revise certain provisions regarding the expungement of arrest records.

Opponents: Traci Smith, SD Assoc. Of Criminal Defense Lawyers

THE CHAIR DEFERRED SB 31 UNTIL WEDNESDAY, MARCH 2, 2011

SB 173: allow specific details of alleged sex crimes against minors be suppressed under certain conditions.

Presented by: Senator Joni Cutler  
Proponents: Sue Simons, self, Sioux Falls  
Pamela Homan, Sioux Falls School District 49-5  
Steve Siegel, SD Trial Lawyers Association

MOTION: AMEND SB 173

173ra

On page 1, line 9, of the printed bill, after "maturity" delete "₁".

Moved by: Tornow  
Second by: Russell  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 173 AS AMENDED

Moved by: Abdallah  
Second by: Feinstein  
Action: Prevailed by roll call vote. (11-1-1-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Gibson, Killer, Kopp, Russell, Tornow, Turbiville,  
Gosch, Hunt

Voting No: Nelson (Stace)

Excused: Hansen (Jon)

MOTION: ADJOURN

Moved by: Turbiville  
Second by: Nelson (Stace)  
Action: Prevailed by voice vote.

Cindy Tryon  
Committee Secretary

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Brian G. Gosch, Vice Chair